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TITLE 8—ALIENS AND NATIONALITY

Chapter III—Office of Philippine Alien Property Administration

PART 600—ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

DISCONTINUANCE OF CODIFICATION

In order to conform Chapter III of Title 8 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519) the codification of Part 600 is hereby discontinued and §§ 600.1 to 600.11 are redesignated sections 1 to 11, respectively. Future amendments to descriptions of organization and delegations of final authority will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] A. A. BERTSCH,
Acting Deputy Administrator.

NOVEMBER 5, 1948.

[F. R. Doc. 48-9844; Filed, Nov. 9, 1948;
8:45 a. m.]

TITLE 10—ARMY

Chapter II—Aircraft

PART 201—USE OF ARMY AIRCRAFT

PART 204—USE OF OTHER THAN GOVERNMENT-OWNED AIRCRAFT

REVOCATION, TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For revocation of Part 204 and revision and transfer of § 201.2, see Title 34, Chapter VII, Part 824, *infra*.

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Subtitle A of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519) the following editorial changes are made,

effective upon publication in the FEDERAL REGISTER:

1. Part 1, "Personnel Regulations," is revoked.

2. Part 5, "Payment to Participants in the Training program of the United States Coast and Geodetic Survey under the Philippine Rehabilitation Act of 1946," is redesignated as Part 503 of Chapter V of Title 33.

3. The codification of Part 10, "Organization and Functions," Part 11, "Organization and Functions of the Office of the Secretary," and Part 12, "Delegations of Authority," is hereby revoked. Future amendments to description of organization and delegations of authority will appear in the Notices section of the FEDERAL REGISTER.

4. Part 2, "Special Studies and Services by Bureaus of the Department of Commerce," is redesignated Part 1.

5. Part 13, "Procedures for Handling and Settlement of Claims under the Federal Tort Claims Act," is redesignated Part 2.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9865; Filed, Nov. 9, 1948;
8:54 a. m.]

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 350—DEPARTMENT OF COMMERCE FIELD SERVICE; GENERAL STATEMENT

PART 351—OFFICE OF THE DIRECTOR OF FIELD SERVICE

PART 352—REGIONAL OFFICES

PART 353—DISTRICT OFFICES

PART 354—MAJOR ACTIVITIES OF FIELD OFFICES

PART 355—SERVICES OF FIELD OFFICES

PART 356—LOCATION OF FIELD OFFICES

CODIFICATION DISCONTINUED

In order to conform Chapter III of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the codification of Parts 350 to 356 is

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hereby discontinued. Future amendments to the statements of organization contained in these parts will be published in the Notices section of the FEDERAL REGISTER.

[SEAL] CARLTON HAYWARD,
Director of the Field Service.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9864; Filed, Nov. 9, 1948; 8:54 a. m.]

Chapter IV—Foreign-Trade Zones Board

PART 405—CREATION, PURPOSE, ORGANIZATION, FUNCTIONS AND PROCEDURES

CODIFICATION DISCONTINUED

In order to conform Chapter IV of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519) the codification of Part 405 is discontinued. Future amendments to descriptions of organization will appear in

the Notices section of the FEDERAL REGISTER.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9866; Filed, Nov. 9, 1948; 8:54 a. m.]

Chapter VI—Office of Technical Services, Department of Commerce

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter VI of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519) the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of Part 600, "General Organization and Functions," Part 601, "Functions of the Organization Units," and Part 602, "Information and Services Available to the Public," is hereby discontinued. Future amendments to these parts will appear in the Notices section of the FEDERAL REGISTER.

2. Part 603 "Issuance of Licenses Under Foreign Patents Owned by the United States," is redesignated Part 601 and §§ 603.1 to 603.5 thereunder are redesignated §§ 601.1 to 601.5, respectively.

3. As so redesignated, the headnote of § 601.1 is changed from "Authority" to "Scope."

[SEAL] JOHN C. GREEN,
Director,
Office of Technical Services.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9867; Filed, Nov. 9, 1948; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52081]

PART 6—AIR COMMERCE REGULATIONS

AIRPORTS OF ENTRY; C. A. A. FIELD, JUNEAU, ALASKA, AND SKY HARBOR SEAPLANE BASE, DULUTH, MINN.

NOVEMBER 3, 1948.

The C. A. A. Field, Juneau, Alaska, and the Sky Harbor Seaplane Base, Duluth, Minnesota, are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. Title 49, sec. 179 (b)), effective November 1, 1948, without time limit.

The list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12) as amended, is hereby further amended to include the locations and names of these airports. The list of temporary airports of entry in § 6.13,

Customs Regulations of 1943 (19 CFR, Cum. Supp. 6.13) as amended, is hereby further amended by deleting the locations, names, and dates and periods of designations of the airports involved.

Notice of the proposed redesignations of these airports as airports of entry without time limit was published in the FEDERAL REGISTER on October 12, 1948 (13 F. R. 5952), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The redesignations of these airports shall be effective on November 1, 1948, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because of the expiration of the previous designations prior to the expiration of 30 days after the publication hereof. The redesignations of these airports are based on a determination that a sufficient need exists to justify such redesignations and the redesignations are made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b) 44 Stat. 572, sec. 711, 58 Stat. 714, sec. 5, 60 Stat. 1049; 49 U. S. C. 177 (b))

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9375; Filed, Nov. 9, 1948; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal-Crop Insurance Corporation, Department of Agriculture

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1949 AND SUCCEEDING CROP YEARS

Correction

In FEDERAL REGISTER Document 48-8652 appearing at page 6467 of the issue for Wednesday, November 3, 1948, the following corrections should be made:

1. On page 6471, the fourth line of paragraph 21 should read as follows: "of harvest or the time of loss, whichever"

2. On page 6472, the ninth line of paragraph 10 should read as follows: "the insured to cancel the contract as provided"

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 155—SEAFOOD INSPECTION

REPUBLICATION FOR CODIFICATION PURPOSES; MISCELLANEOUS AMENDMENTS

In compliance with Executive Order 9930 of February 4, 1948 (13 F. R. 519) which authorizes and directs the publication of the 1949 edition of the Code of Federal Regulations, Part 155 is hereby republished in codified form.

Notices of proposed rule making embodying amendments to §§ 155.2, 155.5,

155.8, 155.12, 155.30, 155.35, and 155.42 of this part was published in the FEDERAL REGISTER of June 4, 1948 (13 F. R. 2994). No objection having been received to the proposed amendments, they shall become effective on the date of publication of this order in the FEDERAL REGISTER.

Paragraph (b) (4) of § 155.12, *Inspection fees*, and paragraph (b) (4) of § 155.42, *Inspection fees*, are hereby amended to provide a different method of handling advance deposits where service is withdrawn. These amendments shall also become effective on the date of publication in the FEDERAL REGISTER.

The republication of the regulations contains no substantive revisions and is merely to conform to the FEDERAL REGISTER requirements that all regulations which will be in effect on December 31, 1948, be codified in accordance with FEDERAL REGISTER rules.

INSPECTION OF CANNED SHRIMP

- Sec. 155.0 Application for inspection service.
- 155.1 Granting or refusing inspection service; cancellation of application.
- 155.2 Inspection periods.
- 155.3 Assignment of inspectors.
- 155.4 Uninspected shrimp excluded from inspected establishments.
- 155.5 General requirements for plant and equipment.
- 155.6 General operating conditions.
- 155.7 Code marking.
- 155.8 Processing.
- 155.9 Examination after canning.
- 155.10 Labeling.
- 155.11 Certificates of inspection; warehousing and export permits.
- 155.12 Inspection fees.
- 155.13 Suspension, withdrawal, and termination of inspection service.

INSPECTION OF CANNED OYSTERS

- 155.30 Application for inspection service.
- 155.31 Granting or refusing inspection service; cancellation of application.
- 155.32 Inspection periods.
- 155.33 Assignment of inspectors.
- 155.34 Uninspected oysters excluded from inspected establishments.
- 155.35 General requirements for plant and equipment.
- 155.36 General operating conditions.
- 155.37 Code marking.
- 155.38 Processing.
- 155.39 Examination after canning.
- 155.40 Labeling.
- 155.41 Certificates of inspection; warehousing and export permits.
- 155.42 Inspection fees.
- 155.43 Suspension, withdrawal, and termination of inspection service.

AUTHORITY: §§ 155.0 to 155.43 Issued under 52 Stat. 1040; 21 U. S. C. et seq.

INSPECTION OF CANNED SHRIMP

§ 155.0 *Application for inspection service.* (a) Applications for inspection service on canned shrimp under the provisions of section 702A of the Federal Food, Drug, and Cosmetic Act shall be on forms supplied by the Food and Drug Administration. No application for an initial inspection period filed with the Food and Drug Administration after June 1, preceding such period in any year, shall be considered unless the applicant shows substantial cause for failure to file such application on or before June 1 of such year. A separate application shall be made for each inspection period in each establishment in which the service

is applied for. Each application for an initial inspection period shall be accompanied by an advance deposit of \$600 as prescribed by § 155.12 (b). Such deposit shall be paid in the manner prescribed by § 155.12 (e).

(b) An application by two or more packers for inspection service in one establishment to be jointly or severally operated by them shall be accompanied by an agreement signed by such packers binding each to be jointly and severally liable for the payment of all fees and deposits required for such establishment by § 155.12.

§ 155.1 *Granting or refusing inspection service; cancellation of application.*

(a) The Federal Security Administrator may grant the inspection service applied for when he determines that the establishment covered by such application complies with the requirements of § 155.5.

(b) The Administrator may refuse to grant the inspection service at any establishment for cause. In case of refusal he shall notify the applicant of the reason therefor and shall return to such applicant the payment which accompanied the application, less any expenses incurred by the Administration for preliminary inspection of the establishment, or for other purposes incident to such application.

(c) The applicant, by giving written notice to the Administrator, may withdraw his application for inspection service before July 1 preceding the inspection period covered by the application. In case of such withdrawal, the Administrator shall return to such applicant the payment which accompanied the application, less any salary and other expense incurred by the Administration incident to such application.

§ 155.2 *Inspection periods.* (a) The initial inspection period in each establishment in which inspection service under these regulations is granted shall be 9 months. Extension inspection periods, each of which shall begin at the close of the preceding inspection period, may be granted in such establishment if application therefor, accompanied by a deposit of \$500 as prescribed by § 155.12, is made at least two weeks in advance of the close of such preceding inspection period: *Provided*, That upon request of the packer and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(b) Each initial inspection period shall begin on or after July 1, but not later than September 15, of each year. No initial or extension inspection period shall extend beyond June 30 of any year.

(c) The date of the beginning of each initial inspection period shall be regarded as the date specified for the beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved by the Administra-

tion; but if the Administrator is not prepared to begin the service on the specified date, the date of the beginning of such period shall be regarded as the date on which the service is begun.

(d) Inspection service shall be continuous throughout the inspection periods, except that, where the canning of shrimp is suspended as a result of the enforcement of State conservation laws, the inspection service may be withdrawn for the period of suspension or any part thereof: *Provided*, That written application for such suspension is made at least 2 weeks prior to the beginning of the closed season. An inspection period in which such a withdrawal occurs shall be lengthened to compensate for the time of withdrawal.

§ 155.3 *Assignment of inspectors.* (a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under §§ 155.0 to 155.13 is granted. Thereafter the Administration shall adjust the number of inspectors assigned to each establishment to the number required for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment and to all fishing and freight boats and other conveyances catching shrimp for, or transporting shrimp to, such establishment.

§ 155.4 *Uninspected shrimp excluded from inspected establishments.* (a) No establishment to which inspection service on canned shrimp has been granted shall at any time thereafter can shrimp which has not been inspected under §§ 155.0 to 155.13, or handle or store in such establishment any canned shrimp which has not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein as authorized by § 155.13.

(b) All shrimp delivered to or held in an establishment shall be subject to inspection, but certificates of inspection shall be issued under §§ 155.0 to 155.13 only on canned shrimp.

§ 155.5 *General requirements for plant and equipment.* (a) All exterior openings of the cannery shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps or other approved insect-control devices shall be installed.

(b) Picking and packing rooms shall be separate, and fixtures and equipment thereof shall be so constructed and arranged as to permit thorough cleaning. Such rooms shall be adequately lighted and ventilated, and the floors thereof shall be tight and arranged for thorough cleaning and proper drainage. Blanching tanks shall not be located in picking room. Open drains from picking room shall not enter packing or blanching room. If picking and packing rooms are in separate buildings, such buildings shall not be more than 100 yards apart unless adequate provisions are made to enable efficient inspection.

(c) All surfaces of tanks, belts, tables, flumes, utensils, and other equipment with which either picked or unpicked shrimp come in contact after delivery to the establishment, shall be of metal other than lead, or of other nonporous and

easily cleanable materials. Metal seams shall be smoothly soldered.

(d) Adequate supplies of steam and of clean, unpolluted running water shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(e) Adequate toilet facilities of sanitary type shall be provided.

(f) An adequate number of sanitary wash basins, with liquid or powdered soap, shall be provided in both the picking and packing rooms. Paper towels shall be provided in the packing room.

(g) Signs requiring employees handling shrimp to wash their hands after each absence from post of duty shall be conspicuously posted in the picking and packing rooms and elsewhere about the cannery as conditions require.

(h) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples, and for the safekeeping of records and equipment.

(i) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the shrimp before delivery to the picking tables.

(j) Suitable containers, flumes, chutes, or conveyors shall be provided for removal of offal from picking room.

(k) Picking tables shall be equipped with flumes supplied with clean, unpolluted water for removing the picked shrimp.

(l) Equipment shall be provided for code marking cans or other immediate containers.

(m) An automatic container-counting device shall be installed in each cannery line.

(n) Each processing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2° For steam cook such thermometers shall be installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. For water cook such thermometers shall be installed in the door or shell of the retort below the water level. If the thermometer is installed within a fitting such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least 1/2 inch in diameter. If the thermometer is installed within the door or shell of the retort the bulb shall project at least two-thirds of its length into the principal chamber thereof.

(3) A recording thermometer, of a range from 170° F. to 270° F. with scale divisions not greater than 2° The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds with scale divisions not greater than 1 pound. Such gauge shall

be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) For steam cook, a blow-off vent of at least 3/4-inch inside diameter in the top of the retort.

(6) For steam cook, a 1/2-inch bleeder in top of retort.

§ 155.6 General operating conditions.

(a) The decks and holds of boats catching shrimp for, or transporting shrimp to, an inspected establishment, and the bodies of other conveyances so transporting shrimp shall be kept in a sanitary condition. When necessary the shrimp shall be iced down immediately after they are caught and shall be kept adequately refrigerated until delivery to cannery.

(b) Canneries, cannery freight boats, and other cannery conveyances shall accept only fresh, clean, sound shrimp.

(c) After delivery of each load of shrimp to the cannery, decks and holds of each boat and the body of each other conveyance making such delivery shall be washed down with clean, unpolluted water and all debris shall be cleaned therefrom before such boat or other conveyance leaves the cannery premises.

(d) Before picking the shrimp shall be washed with clean, unpolluted water and then passed over the inspection belt and culled to remove all shrimp that are filthy, decomposed, putrid, or otherwise unfit for food, and all extraneous material.

(e) Offal from picking tables shall not be piled on the floor, but shall be placed in suitable containers for frequent removal, or shall be removed by flumes, conveyors, or chutes.

(f) Shrimp shall not be picked into cups but shall be picked into flumes which immediately remove the picked meats from the picking tables.

(g) Picked shrimp being transported from one building to another before enclosure in the can or other immediate container shall be properly covered and protected against contamination.

(h) From the time of delivery to the cannery up to the time of final processing, shrimp shall be handled expeditiously and under such conditions as to prevent contamination or spoilage.

(i) The packer shall immediately destroy for food purposes all shrimp in his possession condemned by the inspector as filthy, decomposed, putrid, or otherwise unfit for food. Shrimp condemned on boat or unloading platform shall not be taken into the ice box or picking room.

(j) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(k) All floors and other parts of the establishment, including unloading platforms, and all fixtures, equipment, and utensils shall be cleaned as often as may be necessary to maintain them in sanitary condition.

(l) The packer shall require all employees handling shrimp to wash their hands after each absence from post of duty.

(m) The packer shall require all employees to observe proper habits of cleanliness, and shall not knowingly employ

in or about the establishment any person afflicted with infectious or contagious disease.

(n) Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in or about the establishment.

§ 155.7 Code marking. (a) Code marks shall be affixed to all cans and other immediate containers before they are placed in the processing retorts. Such marks shall show at least (1) the date of packing, (2) the establishment where packed, and (3) the size of the shrimp when such shrimp were graded for size and are not in containers through which they are clearly visible.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection. For the purposes of the regulations in this part all cans or other immediate containers bearing the same code mark shall be regarded as comprising a lot.

§ 155.8 Processing. (a) The closure of the can or other immediate container and the time and temperature of processing the canned shrimp shall be adequate to prevent bacterial spoilage.

(b) Keys to all code marks shall be the minimum employed for the containers indicated:

DRY PACK

Kind of container and liner	Size	Time at 245° F.	Time at 250° F.
Tin:		Minutes	Minutes
1-piece	211 x 450	80	60
2-piece or no liner	211 x 450	70	50
2-piece or no liner	307 x 263	70	50
2-piece or no liner	307 x 450	75	55

WET PACK

Kind of container and size	Time at 245° F.	Time at 250° F.
Tin:	Minutes	Minutes
211 x 450 (and smaller)	25	13
307 x 263	25	13
307 x 450	25	13
452 x 510	27	16
Glass: 2 to 9 fl. oz. incl.	22	14

(c) For steam cook, blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire processing period.

(d) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least 5 years, and upon request shall make them available to the packer.

(e) The packer shall keep for at least one year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 155.9 Examination after canning.

(a) Adequate samples shall be drawn by the inspector from each lot of canned shrimp and shall be examined to determine whether or not such canned

shrimp conforms to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, all canned shrimp condemned by the inspector as not complying with § 155.8 (a) or as filthy, decomposed, putrid, or otherwise unfit for food.

§ 155.10 *Labeling.* (a) Labels on canned shrimp packed and certified under §§ 155.0 to 155.13 shall bear the mark "Production Supervised by U. S. Food and Drug Administration," with or without the official establishment number. Such mark shall be plainly and conspicuously displayed in type of uniform size and style on a strongly contrasting uniform background; and shall appear on the principal panel or panels of the label so as to be easily observable in connection with the name of the article.

(b) Two proofs, or one proof and one photostat thereof, or eight specimens of all labeling intended for use on inspected canned shrimp or on or within the cases therefor, shall be submitted to the Administration for approval. If proofs or photostat and proof are submitted, eight specimens of the labeling shall be sent to the Administration after printing. The Administration is hereby authorized to approve labeling for use on or with canned shrimp inspected under §§ 155.0 to 155.13; approval shall be subject to the condition that such labeling shall be so used as to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder. The Administration is also hereby authorized to revoke any such approval for cause. The Administration shall not approve labeling for canned shrimp intended for export under the provisions of § 155.11 (e)

(c) No commercial brand or brand name appearing on labeling approved as authorized under paragraph (b) of this section, and no labeling simulating any such approved labeling, shall be used after such approval on canned shrimp other than that which has been handled, prepared, and packed in compliance with all provisions of §§ 155.0 to 155.13; but this section shall not apply to any packer's labeling after termination of inspection as authorized by § 155.13, or to any distributor's labeling after 3 months' written notice by the owner thereof to the Administration that the use of such labeling on inspected canned shrimp has been discontinued and will not be resumed.

§ 155.11 *Certificates of inspection, warehousing and export permits.* (a) After finding that the canned shrimp comprising any parcel (1) has been handled, prepared, and packed in compliance with all provisions of §§ 155.0 to 155.13, (2) bears labeling approved as authorized under § 155.10 (b) and (3) complies with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such canned

shrimp so complies. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size of the shrimp, the size and kind of containers, the type of pack, the commercial brand name on the labels, the quality grade of the shrimp if it is fancy, and the condition of the shrimp if it is broken. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced; but such canned shrimp may be relabeled under the supervision of an inspector and recertified if the inspector finds that, after being relabeled, it complies with the requirements laid down by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, canned shrimp shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or export authorized under paragraph (e) of this section, or for destruction as provided by § 155.9 (b).

(c) Applications to move unlabeled canned shrimp from storage in a warehouse elsewhere than in the establishment where such shrimp was packed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse in which such canned shrimp is to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse that inspectors shall have free access at all times to all canned shrimp so stored, and that conditions which will preserve the identity of each parcel of such canned shrimp shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the canned shrimp comprising any parcel (1) has been packed in compliance with §§ 155.0 to 155.13, (2) is not slack-filled, and (3) conforms, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such canned shrimp. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the places from and to which such parcel is to be moved, the size of the shrimp, the size and kind of containers, the type of pack, and the quality grade of the shrimp if it is fancy, and the condition of the shrimp, if it is broken. When any provision of the agreement is violated the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing which accompanied such agreement.

(d) Unless covered by certificate, canned shrimp stored under the authority of paragraph (c) of this section shall be moved from the warehouse where stored only for restorage under such authority, or for return upon written permission of the inspector to the establishment where packed, or for export authorized under paragraph (e) of this

section, or for destruction as provided by § 155.9 (b)

(e) Section 801 (d) of the Federal Food, Drug, and Cosmetic Act provides that a food intended for export shall not be deemed to be adulterated or misbranded under the act if it (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package to show that it is intended for export. An application to export canned shrimp under the provisions of section 801 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if so required by the Administration, evidence showing that such canned shrimp is not in conflict with the laws of the country to which it is intended for export; and, if shipment of labeled canned shrimp is specified or directed, eight specimens of the labeling therefor. If canned shrimp prepared or packed according to such specifications is not in conflict with the laws of such country, the Administration shall direct the inspector to issue to the applicant an export permit covering such canned shrimp comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such canned shrimp was packed in compliance with the requirements of §§ 155.0 to 155.13 regarding sanitary conditions and processing; is not filthy, decomposed, putrid, or otherwise unfit for food; accords to such specifications, and is labeled on the outside of the shipping package to show that it is intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel so marked, and shall show that such canned shrimp was packed under sanitary conditions, is wholesome, and accords to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such canned shrimp. Canned shrimp intended for export under this section shall not be stored in any warehouse in the United States elsewhere than in the establishment where such canned shrimp was prepared or packed, except on written permission of the inspector, or of the chief of the Food and Drug Administration Station within whose territory such warehouse is located.

§ 155.12 *Inspection fees.* (a) Except as otherwise provided by the regulations in this part, the fee prescribed for inspection service shall be fifteen (15) cents for each case of canned shrimp packed under such service in excess of the first 1,000 cases. For the purpose of this section a case of canned shrimp shall be 48 No. 1 cans (211 x 400) or the equivalent thereof. Advance deposits of not less than \$300 shall be made whenever necessary to prevent arrears in the payment of fees, unless the Administration on an estimate of output authorizes payment in other amounts. Any excess advance deposits so made for the fiscal year shall be returned to the packer by the Administration after the inspection service is closed in the establishment.

(b) (1) In addition to the fee prescribed by paragraph (a) of this section,

an initial advance deposit of \$600 (which includes a minimum case fee of \$200 for inspection service for the first 1,000 cases of canned shrimp packed under the regulations in this part) shall accompany each application for an initial inspection period; thereafter, seven advance monthly deposits of \$600 each shall be made on or before the first day of each month, commencing July 1 and continuing through January 1, except that the Commissioner of Food and Drugs may require the full amount of advance deposits prescribed for an initial inspection period by this paragraph to accompany the application of an applicant who has defaulted in payment of any advance deposit due in a prior packing season.

(2) Whenever it is determined, without hearing, by the Commissioner of Food and Drugs that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity, to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance monthly deposits falling due after such calamity will be required from the operator of such establishment for that fiscal year; but whenever it is determined, without hearing, by the Commissioner of Food and Drugs that an establishment having the inspection service has been so damaged by any such calamity that packing operations must be suspended temporarily, and can be resumed before the end of the fiscal year then current, payment of the advance monthly deposits falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed and thereupon shall be paid in equal monthly installments during the period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this subparagraph the total deposits made by the operator involved shall be charged with the cost of the service made available for the establishment, without regard to the method provided hereinafter for computing charges against deposits, and the balance of the total deposits remaining after such charges shall be returned by the Administration to the operator of the establishment after the completion of the fiscal year.

(3) Each application for an extension inspection period shall be accompanied by a deposit of \$500, and at subsequent monthly intervals thereafter additional deposits of \$500 shall be made; but if the final deposit is to cover a time of less than 30 days, then such deposit shall be at the rate of \$16.67 for each day of such time.

(4) Advance deposits made under this paragraph shall be charged with the cost of the inspection service which has not been provided for by fees under paragraph (a) of this section and the \$200 minimum case fee referred to in this paragraph. The deposits by each packer shall be so charged in the same ratio to the total deposits made under this paragraph and under § 155.42 (b) for the inspection of canned oysters as the number of months of inspection service (including number of months, if any, for inspecting canned oysters) rendered in

such packer's establishment bears to the total number of months of inspection service for canned shrimp and canned oysters rendered in all establishments. The balance remaining after such charges have been made shall be returned by the Administration to the packers after the completion of the fiscal year. When inspection service is withdrawn from an establishment as authorized by § 155.13 (a) the Administration shall not return to the packer any of the advance deposits made for such establishments; such deposits shall be charged with the cost of the service made available for the establishment, without regard to the method as prescribed in this paragraph, and the balance which would have accrued to such packer shall remain to the credit of the Food and Drug Administration in the special account "Salaries and Expenses, Certification and Inspection Services."

(c) A separate fee shall be paid to cover all expenses, incurred in accordance with the regulations of the Government, for salary, travel, subsistence, and other purposes incident to inspection for the purpose of issuing a certificate of warehousing or export permit on canned shrimp stored or held at any place other than an establishment to which a seafood inspector is then assigned.

(d) When the cannery and the cannery warehouse of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay an extra fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 155.0, shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Federal Security Agency, Washington, D. C., whereupon after making appropriate records thereof they will be endorsed and transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(f) Refunds to the packers making advance deposits will be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officers.

§ 155.13 *Suspension, withdrawal, and termination of inspection service.* (a) The Administration may suspend and the Administrator may withdraw inspection service in any establishment (1) upon failure of the packer to comply with any provision of §§ 155.0 to 155.13, or (2) upon the dissemination by the packer or any person in privity with him of any representation which is false or misleading in any particular regarding the application to any seafood of the

inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

(c) After inspection service for a fiscal year is closed in an establishment, but before the resumption of packing therein during the next fiscal year, the packer may terminate inspection service under the regulations in this part by giving written notice of such termination to the Administration.

INSPECTION OF CANNED OYSTERS

§ 155.30 *Application for inspection service.* (a) Applications for inspection service on canned oysters under the provisions of section 702A of the Federal Food, Drug, and Cosmetic Act shall be on forms supplied by the Food and Drug Administration. Except as provided in paragraph (b) of this section, no application for an initial inspection period filed with the Food and Drug Administration less than 60 days preceding the opening date of the canning season in any year shall be considered unless the applicant shows substantial cause. The opening date of the canning season in each State shall be the date set by the State agency responsible for controlling the opening date of the canning season in the State in which the plant for which the application is filed is located. A separate application shall be made for each inspection period in each establishment in which the service is applied for. Each application for an initial inspection period shall be accompanied by an advance deposit of \$600, as prescribed by § 155.42 (b) except establishments receiving inspection service under the regulations for the inspection of canned shrimp (§§ 155.0 to 155.13) for which establishments no additional advance deposit will be charged. Such deposit shall be paid in the manner prescribed by § 155.42 (e).

(b) An application by two or more packers for inspection service in one establishment to be jointly or severally operated by them shall be accompanied by an agreement signed by such packers binding each to be jointly and severally liable for the payment of all fees and deposits required for such establishment by § 155.42.

§ 155.31 *Granting or refusing inspection service; cancellation of application.* (a) The Federal Security Administrator may grant the inspection service applied for when he determines that the establishment covered by such application complies with the requirements of § 155.35.

(b) The Administrator may refuse to grant the inspection service at any establishment for cause. In case of refusal he shall notify the applicant of the reason therefor and shall return to such applicant the payment, which accompanied the application, less any expenses incurred by the Administration for preliminary inspection of the establishment, or for other purposes incident to such application.

(c) The applicant, by giving written notice to the Administrator, may withdraw his application for inspection service before an inspector is assigned to the establishment. In case of such withdrawal, the Administrator shall return to such applicant the payment which accompanied the application, less any salary and other expense incurred by the Administration incident to such application.

§ 155.32 Inspection periods. (a) The initial inspection period in each establishment in which inspection service under §§ 155.30 to 155.43 is granted shall be 4 months. Extension inspection periods, each of which shall begin at the close of the preceding inspection period, may be granted in such establishment if application therefor, accompanied by a deposit of \$500 as prescribed by § 155.42, is made at least 2 weeks in advance of the close of such preceding inspection period: *Provided*, That upon request by the packer and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer; but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(b) Each initial inspection period shall begin on or after October 1 but not later than March 1 of each year. No initial or extension inspection period shall extend beyond June 30 of any year.

(c) The date of the beginning of each initial inspection period shall be regarded as the date specified for the beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved by the Administration; but if the Administrator is not prepared to begin the service on the specified date, the date of the beginning of such period shall be regarded as the date on which the service is begun.

(d) Inspection service shall be continuous throughout the inspection periods.

§ 155.33 Assignment of inspectors. (a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under §§ 155.30 to 155.43 is granted. Thereafter the Administration shall adjust the number of inspectors assigned to each establishment to the number required for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment and to all fishing and freight boats and other conveyances for transporting oysters to such establishment.

§ 155.34 Uninspected oysters excluded from inspected establishments. (a) No establishment to which inspection service on canned oysters has been granted shall at any time thereafter can oysters which have not been inspected under §§ 155.30 to 155.43, or handle or store in such establishment any canned

oysters which have not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein as authorized by § 155.43.

(b) All oysters delivered to or held in an establishment shall be subject to inspection, but certificates of inspection shall be issued under §§ 155.30 to 155.43 only on canned oysters.

§ 155.35 General requirements for plant and equipment. (a) All exterior openings of the cannery, including those of the shucking sheds, shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps, fans, blowers, or other approved insect-control devices shall be installed.

(b) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the oysters before delivery for steaming or other means of opening.

(c) Shucking sheds and packing rooms shall be separate, and fixtures and equipment thereof shall be so constructed and arranged as to permit thorough cleaning. Such sheds and rooms shall be adequately lighted and ventilated, and the floors thereof shall be tight and arranged for thorough cleaning and proper drainage. Open drains from shucking shed shall not enter packing room. If shucking shed and packing room are in separate buildings, such buildings shall not be more than 100 yards apart, unless, with the approval of the Food and Drug Administration, such conditions are maintained as will enable efficient inspection.

(d) All surfaces of washers, belts, tables, tanks, utensils, and other equipment with which unshucked or shucked oysters come in contact shall be of metal other than lead, or of other smooth, non-porous material that can be readily cleaned. Metal seams shall be smoothly soldered. Shucking tables shall be so constructed as to preclude contamination of working surfaces or products thereon from foot traffic or wheelbarrows or other containers used in delivering steamed oysters to such tables.

(e) Suitable means shall be provided for removal of shells and debris from shucking shed.

(f) Adequate supplies of steam and of clean, unpolluted running water shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(g) Adequate toilet facilities of sanitary type shall be provided.

(h) An adequate number of sanitary wash basins, with liquid or powdered soap, shall be provided in both the shucking shed and packing room and shall be located immediately adjacent to entrances. Paper towels shall also be provided in the packing room.

(i) Signs requiring employees handling oysters to wash their hands after each absence from post of duty shall be conspicuously posted in the shucking shed and packing room and elsewhere about the cannery as conditions require.

(j) If steam boxes are used for opening the oysters, they shall be provided with adequate steam inlets, exhausts,

drains, a safety valve, and a pressure gauge.

(k) Suitable devices shall be provided for washing the shucked oysters and for their subsequent drainage.

(l) One or more suitable devices shall be provided for the removal of shell and grit from the shucked oysters.

(m) One or more suitable inspection belts shall be installed for the inspection of shucked oysters.

(n) Equipment shall be provided for code marking cans.

(o) Each processing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F to 270° F, with scale divisions not greater than 2°, installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. If the thermometer is installed within a fitting, such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least 1/8 inch in diameter. If the thermometer is installed within the door or shell of the retort the bulb shall project at least two-thirds of its length into the principal chamber thereof.

(3) A recording thermometer of a range from 170° F to 270° F with scale divisions not greater than 2°. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds with scale divisions not greater than 1 pound. Such gauge shall be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) A blow-off vent of at least 3/4-inch inside diameter in the top of the retort.

(6) A 1/8-inch bleeder in top of retort.

(p) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples, and for the safekeeping of records and equipment.

§ 155.36 General operating conditions. (a) The decks and holds of boats tonging or dredging oysters for any inspected establishment shall be kept in a sanitary condition. Such boats shall be equipped with adequate means for protecting the oysters against contamination with bilge water.

(b) Canneries, cannery boats, and other cannery conveyances shall accept only live, clean, sound oysters taken from unpolluted areas. When necessary, ice or other suitable refrigerant shall be provided to prevent spoilage.

(c) The decks and holds of all boats and the bodies of other conveyances transporting oysters to the cannery shall be kept in sanitary condition.

(d) After delivery of each load of oysters to cannery, decks and holds of each boat and the body of each conveyance

making such delivery shall be washed down with clean, unpolluted water and all debris shall be cleaned therefrom before leaving the cannery premises.

(e) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(f) As often as is necessary to maintain sanitary conditions, unloading platforms and equipment shall be washed with clean, unpolluted water, and all debris shall be cleaned therefrom.

(g) After each delivery to the cannery oysters shall be handled expeditiously and under such conditions as to safeguard against contamination or spoilage.

(h) Before steaming or opening by other means the oysters shall be washed with clean, unpolluted water. After washing, the oysters shall be passed over the inspection belt and culled to remove dirty, muddy, or decomposed oysters and extraneous material. Muddy oysters may be returned to the washer for rewashing.

(i) Shucking knives may be maintained by the individual owner and shall be thoroughly washed with soap and water and chlorinated before use each day. Chlorine solution shall be maintained at a strength of 200 parts per million.

(j) The packer shall immediately destroy for food purposes any oysters in his possession condemned by the inspector as filthy, decomposed, putrid, or unfit for food. Oysters condemned on boat or unloading platform shall not be taken into the cannery but shall be either destroyed or returned to a bedding ground.

(k) The delivery of steamed oysters to shuckers by means of manually rolling, trundling or wheelbarrowing such oysters on or above shucking tables will not be permitted.

(l) When the oysters are opened by steaming, the time and temperature of steaming shall not exceed the minimum time and temperature necessary to open the oysters and slip one eye.

(m) Shells shall be removed from the shucking shed continuously and shall not be allowed to accumulate in or about the cannery or premises in such a manner as to create a nuisance.

(n) Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in or about the cannery or premises.

(o) No shucked oysters shall be returned to the shucker after delivery to the weigher.

(p) The shucked oysters shall be washed by a suitable device and immediately drained. The time of washing shall not exceed the minimum time necessary for cleansing.

(q) When the oysters, at any time after shucking and until enclosed in the can, are transported from one building to another, they shall be protected by properly covered containers.

(r) All floors and other parts of the cannery and all cannery fixtures, equipment, and utensils shall be cleaned as often as is necessary to maintain them in sanitary condition.

(s) The packer shall require all employees handling oysters to wash their

hands after each absence from post of duty.

(t) The packer shall require all employees to observe proper habits of cleanliness, and shall not knowingly employ in or about the cannery any person afflicted with infectious or contagious disease.

§ 155.37 Code marking. (a) Code marks shall be affixed to all cans and other immediate containers before they are placed in the processing retorts. Such marks shall show at least (1) the date of packing (2) the establishment where packed, and (3) the size of the oysters when such oysters were graded for size.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection. For the purposes of the regulations in this part all cans or other immediate containers bearing the same code mark shall be regarded as comprising a lot.

§ 155.38 Processing. (a) The closure of the can or other immediate container and the time and temperature of processing the canned oysters shall be adequate to prevent bacterial spoilage.

(b) The following processes shall be the minimum employed for the containers indicated:

Size	Time at 245° F.	Time at 255° F.
211 x 409.....	23 minutes.....	13 minutes.
307 x 469.....	27 minutes.....	13 minutes.
301 x 411.....	25 minutes.....	13 minutes.

(c) The blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire processing period.

(d) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least 5 years, and upon request shall make them available to the packer.

(e) The packer shall keep for at least one year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 155.39 Examination after canning. (a) Adequate samples shall be drawn by the inspector from the lot of canned oysters identified by each code mark to determine whether or not such lot conforms to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, any lot of canned oysters condemned by the inspector as not complying with § 155.38, or as filthy, decomposed, putrid, or otherwise unfit for food.

§ 155.40 Labeling. (a) Labels on canned oysters packed and certified under §§ 155.30 to 155.43 shall bear the mark "Production Supervised by the U. S.

Food and Drug Administration," with or without the official establishment number. Such mark shall be plainly and conspicuously displayed in type of uniform size and style on a background of strongly contrasting color, and shall appear on the principal panel or panels of the label so as to be easily observable in connection with the name of the article.

(b) Two proofs, or one proof and one photostat thereof, or eight specimens of each label intended for use on inspected canned oysters or on or within the cases therefor, shall be submitted to the Food and Drug Administration for approval. If proofs or proof and photostat are submitted, eight specimens of the label shall be sent to the Administration after printing. The Food and Drug Administration is hereby authorized to approve labels for use on canned oysters inspected under §§ 155.30 to 155.43, if such labels when so used comply with the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder. The Food and Drug Administration may approve for temporary use labels which bear the mark required by paragraph (a) of this section, although such mark is not displayed in the manner prescribed by that paragraph. The Food and Drug Administration is also hereby authorized to revoke any such approval for cause. The Administration shall not approve labels for canned oysters intended for export under the provisions of § 155.41 (e).

(c) No commercial brand or brand name appearing on any label approved under paragraph (b) of this section, and no label simulating one so approved, shall be used thereafter on any canned oysters other than those which have been inspected under §§ 155.30 to 155.43: *Provided*, That this paragraph shall not apply to any packer's label after termination of inspection as provided in § 155.43, or to any distributor's label after 3 months' written notice by the owner thereof to the Food and Drug Administration that its use on inspected canned oysters has been discontinued and will not be resumed.

(d) Canned-oyster labeling authorized by or approved under paragraph (a) or (b) of this section shall be used only as authorized by §§ 155.30 to 155.43. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Federal Food, Drug, and Cosmetic Act, as amended.

§ 155.41 Certificates of inspection; warehousing and export permits. (a) After finding that the canned oysters comprising any parcel (1) have been handled, prepared, and packed in compliance with all provisions of §§ 155.30 to 155.43, (2) bear labeling approved as authorized under § 155.40 (b), and (3) comply with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such canned oysters so comply. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size and kind of containers, the commercial brand name on the labels, and the con-

dition of the oysters if they are broken. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced; but such canned oysters may be relabeled under the supervision of an inspector and recertified if the inspector finds that, after being relabeled, they comply with the requirements laid down by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, canned oysters shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.39 (b).

(c) Applications to move unlabeled canned oysters from storage in a warehouse elsewhere than in the establishment where such oysters were packed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse in which such canned oysters are to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse that inspectors shall have free access at all times to all canned oysters so stored, and that conditions which will preserve the identity of each parcel of such canned oysters shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the canned oysters comprising any parcel (1) have been packed in compliance with §§ 155.30 to 155.43, (2) are not slack-filled, and (3) conform, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such canned oysters. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the places from and to which such parcel is to be moved, the size of the oysters, the size and kind of containers, and the condition of the oysters if they are broken. When any provision of the agreement is violated, the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing which accompanied such agreement.

(d) Unless covered by certificate, canned oysters stored under the authority of paragraph (c) of this section shall be moved from the warehouse where stored only for restorage under such authority, or for return upon written permission of the inspector to the establishment where packed, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.39 (b).

(e) Section 801 (d) of the Federal Food, Drug, and Cosmetic Act provides that a food intended for export shall not be deemed to be adulterated or misbranded under the act if it (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on

the outside of the shipping package to show that it is intended for export. An application to export canned oysters under the provisions of section 801 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if so required by the Administration, evidence showing that such canned oysters are not in conflict with the laws of the country to which they are intended for export; and, if shipment of labeled canned oysters is specified or directed, eight specimens of the labeling therefor. If canned oysters prepared or packed according to such specifications are not in conflict with the laws of such country, the Administration shall direct the inspector to issue to the applicant an export permit covering such canned oysters comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such canned oysters were packed in compliance with the requirements of §§ 155.30 to 155.43 regarding sanitary conditions and processing; are not filthy, decomposed, putrid, or otherwise unfit for food; accord to such specifications, and are labeled on the outside of the shipping package to show that they are intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel so marked, and shall show that such canned oysters were packed under sanitary conditions, are wholesome, and accord to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such canned oysters. Canned oysters intended for export under this section shall not be stored in any warehouse in the United States elsewhere than in the establishment where such canned oysters were prepared or packed, except on written permission of the inspector, or of the chief of the Food and Drug Administration Station within whose territory such warehouse is located.

§ 155.42 *Inspection fees.* (a) Except as otherwise provided by the regulations in this part, the fee prescribed for inspection service shall be fifteen (15) cents for each case of canned oysters packed under such service in excess of the first 1,000 cases of oysters, or shrimp and oysters where the packer is also receiving inspection service under the regulations for the inspection of canned shrimp. For the purpose of this section, a case of canned oysters shall be 48 No. 1 cans (211 x 400) or the equivalent thereof. Advance deposits of not less than \$300 shall be made whenever necessary to prevent arrears in the payment of fees, unless the Administration on an estimate of output authorizes payment in other amounts. Any excess advance deposits so made for the fiscal year shall be returned to the packer by the Administration after the inspection service is closed in the establishment.

(b) (1) In addition to the fee prescribed by paragraph (a) of this section, an initial advance deposit of \$600 (which includes a minimum case fee of \$200 for inspection service for the first 1,000 cases of canned oysters packed under the regulations in this part) shall accom-

pany each application for an initial inspection period; thereafter, three advance monthly deposits of \$600 each shall be made on or before the first day of each following consecutive month: *Provided*, That a packer who is concurrently receiving inspection service under the regulations for the inspection of canned shrimp shall not pay any advance deposits under this paragraph, except that the Commissioner of Food and Drugs may require the full amount of advance deposits prescribed for an initial inspection period by this paragraph to accompany the application of an applicant who has defaulted in payment of any advance deposit due in a prior packing season.

(2) Whenever it is determined, without hearing, by the Commissioner of Food and Drugs that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity, to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance monthly deposits falling due after such calamity will be required from the operator of such establishment for that fiscal year but whenever it is determined without hearing, by the Commissioner of Food and Drugs that an establishment having the inspection service has been so damaged by any such calamity that packing operations must be suspended temporarily, and can be resumed before the end of the fiscal year then current, payment of the advance monthly deposits falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed and thereupon shall be paid in equal monthly installments during the period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this subparagraph the total deposits made by the operator involved shall be charged with the cost of the service made available for the establishment, without regard to the method provided hereinafter for computing charges against deposits, and the balance of the total deposits remaining after such charges shall be returned by the Administration to the operator of the establishment after the completion of the fiscal year.

(3) Each application for an extension period shall be accompanied by a deposit of \$500 and at subsequent monthly intervals thereafter additional deposits of \$500 shall be made; but if the final deposit is to cover a time of less than 30 days, then such deposit shall be at the rate of \$16.67 for each day of such time.

(4) Advance deposits made under this paragraph shall be charged with the cost of the inspection service which has not been provided for by fees under paragraph (a) of this section and the \$200 minimum case fee referred to in this paragraph. The deposits by each packer shall be so charged in the same ratio to the total deposits made under this paragraph and under § 155.12 (b) for the inspection of canned shrimp as the number of months of inspection service (including number of months, if any, for inspecting canned shrimp) rendered in such packer's establishment bears to the total number of months of inspection

service for canned oysters and canned shrimp rendered in all establishments. The balance remaining after such charges have been made shall be returned by the Administration to the packers after the completion of the fiscal year. When inspection service is withdrawn from an establishment as authorized by § 155.43 (a) the Administration shall not return to the packer any of the advance deposits made for such establishments; such deposits shall be charged with the cost of the service made available for the establishment, without regard to the method as prescribed in this paragraph, and the balance which would have accrued to such packer shall remain to the credit of the Food and Drug Administration in the special account "Salaries and Expenses, Certification and Inspection Services."

(c) A separate fee shall be paid to cover all expenses, incurred in accordance with the regulations of the Government, for salary, travel, subsistence, and other purposes incident to inspection for the purpose of issuing a certificate or warehousing or export permit on canned oysters stored or held at any place other than an establishment to which a seafood inspector is then assigned.

(d) When the cannery and the cannery warehouse of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay an extra fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 155.30 (a) shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Federal Security Agency, Washington, D. C., whereupon after making appropriate records thereof they will be endorsed and transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(f) Refunds to the packers making advance deposits will be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officers.

§ 155.43 *Suspension, withdrawal, and termination of inspection service.* (a) The Administration may suspend and the Administrator may withdraw inspection service in any establishment (1) upon failure of the packer to comply with any provision of §§ 155.30 to 155.43, or (2) upon the dissemination by the packer or any person in privity with him of any representation which is false or misleading in any particular regarding the application to any seafood of the inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

(c) After inspection service for a fiscal year is closed in an establishment, but before the resumption of packing therein during the next fiscal year, the packer may terminate inspection service under the regulations in this part by giving written notice of such termination to the Administration.

Dated: November 4, 1948.

[SEAL]

OSCAR R. EWING,
Administrator.

[F. R. Doc. 48-9842; Filed, Nov. 9, 1948;
8:59 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 611—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM; POLICY

ELIGIBILITY FOR LOW-RENT PROJECTS

§ 611.7. *Exclusion of military disability and death benefits in determining eligibility for low-rent projects.*—(a) *Statement of policy.* (1) Pursuant to the authorization granted in section 502 (b) of Public Law 901, 80th Congress, the PHA has determined that it is equitable and in the public interest, in determining eligibility for admission to and continued occupancy of low-rent projects to exclude amounts paid by the United States Government for disability or death occurring in connection with military service when the total net income of the family, including such disability and death benefits, is insufficient for the family to obtain in the private market adequate housing which is available and suitable to the family's requirements.

(2) This policy is applicable to Public Law 412, Public Law 671 and PWA Projects. It shall apply immediately to all directly operated and leased low-rent projects. Although this policy is not mandatory for locally owned projects under contract before October 5, 1948, local authorities may, at their discretion, immediately adopt this policy with respect, to determining eligibility for locally-owned low-rent projects if permitted by local law.

(3) Amounts paid by the United States Government for disability or death occurring in connection with military service may be excluded from net family income only in connection with the determination of eligibility such amounts are to be included in net family income for determination of the rent to be paid.

(4) Military service as used herein is not confined to service in World War II; therefore this policy is applicable to the family of any person who at any time was or is in military service with one of the branches of the armed forces of the United States where the payment is

made for disability or death occurring in connection with such service.

(b) *Local responsibility.* Administering authorities of low-rent projects subject to or operating under this policy will be required to:

(1) Determine periodically the minimum amount of income necessary for families of various sizes and composition to obtain adequate housing available in the private market.

(2) Revise existing management resolutions or programs to reflect this policy.

(3) Ascertain and verify whether the amounts received by the payee from the United States Government are payments made for disability or death occurring in connection with military service. (Sec. 502 (b), Pub. Law 901, 80th Cong.)

[SEAL]

JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 48-9245; Filed, Nov. 9, 1948;
8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter V—Coast and Geodetic Survey, Department of Commerce

PART 503—PAYMENT TO PARTICIPANTS IN THE TRAINING PROGRAM OF THE UNITED STATES COAST AND GEODETIC SURVEY UNDER THE PHILIPPINE REHABILITATION ACT OF 1946

REDESIGNATION OF PART

CROSS REFERENCE: For redesignation of Part 503, see Title 15, Subtitle A, Part 5, *supra*.

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter VII—Department of the Air Force

Subchapter B—Aircraft

PART 824—AIR FORCE PARTICIPATION IN CEREMONIES, CELEBRATIONS AND EXHIBITIONS

REVOCATION, TRANSFER AND REVISION OF REGULATIONS

The material contained in Part 204, Chapter II of Title 10 is hereby revoked. The material contained in § 201.2, Chapter II of Title 10 is hereby revised, transferred and incorporated in Part 824 as follows:

Sec.

824.1 General.

824.2 Definition.

824.3 Requests by public officials.

824.4 Requests by nonprofit civic agencies on occasions of national interest.

824.5 Requests by organizations representing the public in local civic-sponsored events.

824.6 Participation requiring indemnity bond.

824.7 Participation not requiring indemnity bond.

824.8 Bond required.

824.9 Rules for participation.

824.10 Prohibitions.

AUTHORITY: §§ 824.1 to 824.10 issued under R. S. 161: 5 U. S. C. 22.

RULES AND REGULATIONS

§ 824.1 *General.* The Chief of Staff United States Air Force and Commanding Officers of United States Air Force Bases may order or authorize participation in ceremonies, celebrations, and exhibitions on selected occasions when desirable for the promotion of interests in commercial aeronautics or the development of airports, landing fields, and airways. Participation may take the form of:

(a) Participation in air demonstrations on carefully selected occasions.

(b) Participation of Air Force troops in parades, public exhibitions, etc.

(c) Furnishing of Air Force aeronautical equipment for public ground exhibitions.

§ 824.2 *Definition.* Air demonstrations are defined as any flying by military aircraft for the purpose of assisting in publicity, fairs, exhibitions, demonstrations, ceremonies, and similar events sponsored by public officials, nonprofit civic agencies or organizations representing the public in local civic-sponsored events.

§ 824.3 *Requests by public officials.*

(a) Favorable consideration will be given each request that is submitted by public officials for Air Force participation in such events as, air coverage for parades, celebrations held in honor of veterans organizations, and public events which are a vehicle for stimulation of interest in aviation in general.

(b) The degree of Air Force participation will be governed by availability of qualified personnel and equipment on hand in area of sponsoring community.

(c) Requests to local commanding officers must be forwarded through channels to higher headquarters. Those events complying with the provisions of § 824.5 may be approved or disapproved by the Commanding General of the Major Air Command. All other requests must be forwarded to Headquarters, United States Air Force for approval or disapproval by the Chief of Staff.

§ 824.4 *Requests by nonprofit civic agencies in events of national interest.*

(a) Participation by Air Force units on requests originated and sponsored by nonprofit civic agencies for events of national aviation interest is limited to occasions of military significance, with particular reference to their importance from an aviation viewpoint, and to times and conditions which render participation propitious.

(b) Requests to local commanding officers must be forwarded through channels to Headquarters, United States Air Force for approval or disapproval by the Chief of Staff.

§ 824.5 *Requests by organizations representing the public in local civic-sponsored events.*

(a) Participation of Air Force Units in cooperation with locally civic-sponsored events, as distinguished from those of distinct national interest, is confined to occasions of military significance with particular reference to their importance from an aviation viewpoint, to times and conditions which render participation propitious and with the following limitations:

(1) The degree of participation will be governed by availability of qualified

personnel and equipment available in the area.

(2) There must be no interference with the normal missions of the units.

(3) There must be no additional expense to the government.

(b) No indemnity bond or liability insurance indorsement will be required in events for which no admission is charged and where it is agreed that all regulations of the Civil Aeronautics Administration and Department of the Air Force will be observed.

(c) Requests by organizations to local commanding officers must be forwarded to the Commanding General of the Major Air Command for approval or disapproval.

§ 824.6 *Participation requiring indemnity bond.* Except for those instances which satisfy the requirements of § 824.5 demonstration flights from or over other than Government owned or leased fields will not be authorized unless a bond of indemnity as set forth in § 824.8 for damage to property or injury to persons be furnished the Government at least ten days before the exhibition flight.

§ 824.7 *Participation not requiring indemnity bond.* (a) Demonstration flights conducted at places owned or leased by United States Government.

(b) Public exhibition, not involving flight, of Air Force aircraft and equipment regardless of place of exhibition.

(c) Flights of aircraft to and from places of exhibition.

(d) Events within the provisions of § 824.5 (b)

§ 824.8 *Bond required—(a) Type.* A liability indorsement to a liability insurance policy will be considered as adequate indemnity bond coverage.

(b) *Amount.* An indemnity or liability insurance indorsement to the extent of \$50,000 each person, \$500,000 each accident, for personal injury or death and \$250,000 for property damage in connection with flying demonstrations—is considered adequate for normal Air Force participation.

(c) *Scope of coverage.* (1) The bond or liability policy must state clearly the intent to cover accidents caused by or resulting from the maintenance or use, of aircraft or equipment owned by the United States Government and must also extend to cover the United States Government, its officers or employees acting within the scope of their office or employment.

(2) Coverage need not include bodily injury accidents or death resulting therefrom to officers or employees of the United States and/or damages to or destruction of United States Government aircraft or equipment.

§ 824.9 *Rules for participation.* (a) Airport must be satisfactory.

(b) Organization charging admission and requesting participation must:

(1) When the aircraft require more than normal use of fuel, provide gas and oil of Air Force specifications during the participation and return of aircraft to the base to the extent of filling the tanks on departure.

(2) Defray the personal expenses of participating personnel during the

elapsed time they are away from their base.

(3) Provide adequate transportation facilities for participating personnel.

(4) Furnish indemnity bond as set forth in § 824.8.

§ 824.10 *Prohibitions.* (a) Participating aircraft will not be flown in any race nor will they engage in formation acrobatics or other acrobatics except on express approval of the Chief of Staff, United States Air Force.

(b) The word "circus" will not be used in referring to aerial demonstrations and exhibitions, insofar as United States Air Force equipment and personnel are concerned.

[SEAL]

L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 48-9874; Filed, Nov. 9, 1948;
8:57 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

[CGFR 48-57]

CERTAIN OFFICERS OF VESSELS TO BE MEMBERS OF UNITED STATES NAVAL RESERVE

CANCELLATION OF WAIVER

Pursuant to the authority vested in me as Commandant, United States Coast Guard, by the act of March 31, 1947, as amended (Pub. Laws 27, 293, 423, 80th Cong.), and upon the advice of the Chairman, United States Maritime Commission, I hereby find it no longer necessary in the interest of the orderly reconversion of the merchant marine from wartime to peacetime operations to continue in effect beyond December 15, 1948, the general waiver of navigation and vessel inspection laws and regulations which waived compliance of section 302 (g) of the Merchant Marine Act, 1930, as amended (46 U. S. C. 1132 (g)), requiring that all of the deck and engineer officers on the United States Maritime Commission's vessels, if eligible, be members of the United States Naval Reserve:

Therefore, it is ordered, That the waiver of navigation and vessel inspection laws and regulations entitled "Requirement For Certain Officers to be Members of United States Naval Reserve" dated February 27, 1942, and published in the FEDERAL REGISTER February 28, 1942 (7 F. R. 1601, 46 CFR 1943 Supp. 2078) shall be canceled effective December 15, 1948: *Provided*, That no penalty prescribed by law shall be imposed for failure to comply with any provision of law or regulation because of the employment prior to December 15, 1948, of persons allowed under the waiver.

(Pub. Laws 27, 293, 423, 80th Cong.)

Dated: November 3, 1948.

[SEAL]

J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-9876; Filed, Nov. 9, 1948;
8:58 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR STEAM ROADS

ROAD AND EQUIPMENT ACCOUNTS AND EXPENSE ACCOUNTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of October-A. D. 1948.

The matter of modifying the "Uniform System of Accounts for Steam Railroads, Issue of 1943," being under consideration pursuant to section 20 of the Interstate Commerce Act, as amended, and the modifications which are attached hereto and made a part hereof being deemed necessary for proper administration of the provisions of Part I of the act (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20(3)) *It is ordered, That:*

(1) Any interested party may on or before November 30, 1948, file with the Commission a written statement of reasons why the said modifications should not become effective as hereinafter ordered and may request oral argument if desired; and,

(2) Unless otherwise ordered, the said modifications shall become effective January 1, 1949; and,

(3) A copy of this order including the attached modifications shall be served upon every steam railroad subject to the act and upon every trustee, receiver, executor, administrator, or assignee of any such steam railroad, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL]

W B. BARTEL,
Secretary.

Modifications of the Uniform System of Accounts for Steam Railroads, issue of 1943.

ROAD AND EQUIPMENT ACCOUNTS

1. In § 10.3 *Grading*, cancel the first sentence of the text and substitute for it the following sentence: "This account shall include the cost of clearing and grading the roadway, and of constructing protection for the roadway, tracks, embankments, and cuts."

Insert the following additional items under "Details of roadbed and items of expense":

Dikes (including those of earthen construction which are intended to function indefinitely).

New channels for streams.

EXPENSE ACCOUNTS

MAINTENANCE OF ROADWAY

2. In § 10.202 *Roadway maintenance*, cancel paragraph (d) *Bank protection* and substitute for it the following:

(d) *Bank protection.* The cost of repairs to riprap, piling, dikes, piers, break-

waters, revetments and retaining walls, which were placed or constructed for bank protection.

[F. R. Doc. 48-9856; Filed, Nov. 9, 1948; 8:52 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF IRISH POTATOES OR IRISH POTATOES AND ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 45A]

PART 520—CONSERVATION OF RAIL EQUIP- MENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF IRISH POTATOES OR IRISH POTATOES AND ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, General Permit ODT 18A, Revised-45, shall be superseded, and it is hereby ordered, that:

§ 520.546 *Shipments of Irish potatoes or Irish potatoes and onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971) or in Items 470, 475, 495, 500, and 600 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5312) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of a straight shipment of Irish potatoes or a mixed shipment of Irish potatoes and onions, when, in either case, such carload freight originates at a point located west of a line consisting of the eastern boundary of the State of Minnesota and the Mississippi River south to New Orleans, Louisiana, and is loaded to a weight not less than 40,000 pounds.

This General Permit ODT 18A, Revised-45A, shall become effective November 8, 1948, and shall expire February 28, 1949.

General Permit ODT 18A, Revised-45 (13 F. R. 6424) is hereby revoked as of the effective date of this General Permit ODT 18A, Revised-45A.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong., 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 5th day of November 1948.

J. M. JOHNSON,

Director,

Office of Defense Transportation.

[F. R. Doc. 48-9873; Filed, Nov. 9, 1948; 8:59 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN UPPER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the North Dakota Game and Fish Department, it has been determined there is a general surplus of deer in much of North Dakota and that the reduction of the population can be facilitated by opening certain National Wildlife Refuges in the State to the public hunting of deer.

Section 29.919a is amended to read:

§ 29.919a *Upper Souris National Wildlife Refuge, North Dakota; hunting.* Deer, coyotes, and fox may be taken during the open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1948 on certain lands, hereinafter specified, of the United States within the Upper Souris National Wildlife Refuge, North Dakota.

(a) *Area open to hunting.* All the lands of the United States except the area within one-half mile of the headquarters and subheadquarters of the Upper Souris Refuge shall be open to such hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer. (Sec. 10, 45 Stat. 1222, 16 U. S. C. 715i; Reorg. Plan No. II of 1939, 3 CFR Cum. Supp., 4 F. R. 2731, Regulations, Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, as amended.)

Dated: November 3, 1948.

[SEAL]

CLARENCE COTTARI,
Acting Director.

[F. R. Doc. 48-9355; Filed, Nov. 9, 1948; 8:52 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-129]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF ORDER TERMINATING PROCEEDING

NOVEMBER 5, 1948.

Notice is hereby given that, on November 4, 1948, the Federal Power Commission issued its order entered November 2, 1948, terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 48-9869; Filed, Nov. 9, 1948;
8:55 a. m.]

[Docket Nos. G-287-A, G-921, G-1073, G-1104, G-1113 and G-1114, G-1122]

EL PASO GAS TRANSPORTATION CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING
CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY

NOVEMBER 4, 1948.

In the matters of El Paso Gas Transportation Corporation, Docket No. G-287-A, United Gas Pipe Line Company, Docket No. G-921, Tennessee Gas Transmission Company, Docket No. G-1073; Texas Gas Transmission Corporation, Docket No. G-1104, Southern Natural Gas Company, Docket Nos. G-1113 and G-1114, and Atlantic Seaboard Corporation, Docket No. G-1122.

Notice is hereby given that, on November 3, 1948, the Federal Power Commission issued its findings and orders entered November 2, 1948, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 48-9860; Filed, Nov. 9, 1948;
8:53 a. m.]

[Docket No. G-976]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER ON EXCEP-
TIONS TO INITIAL DECISION

NOVEMBER 4, 1948.

Notice is hereby given that, on November 3, 1948, the Federal Power Commission issued its findings and order on exceptions to initial decision entered November 2, 1948, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 48-9857; Filed, Nov. 9, 1948;
8:52 a. m.]

[Docket No. G-1098]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER AUTHORIZING
ABANDONMENT OF NATURAL GAS FACILITIES

NOVEMBER 4, 1948.

Notice is hereby given that, on November 3, 1948, the Federal Power Commission

issued its findings and order entered November 2, 1948, authorizing abandonment of natural gas facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 48-9858; Filed, Nov. 9, 1948;
8:52 a. m.]

[Docket No. G-1118]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF ORDER APPROVING WITHDRAWAL
OF RATE SCHEDULES AND TERMINATING
PROCEEDING

NOVEMBER 5, 1948.

Notice is hereby given that, on November 5, 1948, the Federal Power Commission issued its order entered November 4, 1948, approving withdrawal of rate schedules and terminating proceedings in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 48-9868; Filed, Nov. 9, 1948;
8:55 a. m.]

[Docket No. G-1121]

KENTUCKY WEST VIRGINIA GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

NOVEMBER 5, 1948.

Notice is hereby given that, on November 4, 1948, the Federal Power Commission issued its findings and order entered November 2, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 48-9870; Filed Nov. 9, 1948;
8:55 a. m.]

[Docket No. G-1146]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF APPLICATION

NOVEMBER 4, 1948.

Notice is hereby given that on October 25, 1948, an application was filed with the Federal Power Commission by Interstate Natural Gas Company, Inc. (Applicant) a Delaware corporation with its principal place of business at Monroe, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a tap, meter and regulator on Applicant's system, in Ward 4, Baton Rouge Parish, Louisiana, at or near the point where Applicant's pipeline crosses State Route 866.

Applicant proposes by means of the facilities, described above, to sell and deliver natural gas to the Plains-Port

Hudson Gas Company, Inc. for the purpose of serving the area in and adjacent to Plains, Louisiana, which has a population of approximately 150 persons. The estimated annual natural gas consumption of this area is 1,440 M. c. f., with an estimated peak demand of 14 M. c. f. per day. The estimated total over-all capital cost of the proposed facilities is \$635.

Any interested State commission is requested to notify the Federal Power Commission whether the Application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of the Interstate Natural Gas Company, Inc. is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 48-9862; Filed, Nov. 9, 1948;
8:53 a. m.]

[Docket Nos. ID-897, ID-1106]

NEWELL A. CLARK AND DANIEL T.
MONTGOMERY

NOTICE OF AUTHORIZATION

NOVEMBER 5, 1948.

Notice is hereby given that, on November 4, 1948, the Federal Power Commission issued its orders entered November 2, 1948, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 48-9871; Filed, Nov. 9, 1948;
8:55 a. m.]

[Docket No. IT-6057]

DEEPWATER LIGHT AND POWER CO. ET AL.

NOTICE OF ORDER ALLOWING SUPPLEMENTAL
RATE SCHEDULES REDUCING RATES TO TAKE
EFFECT AND TERMINATING PROCEEDING

NOVEMBER 4, 1948.

In the matter of Deepwater Light and Power Company, Deepwater Operating Company, and Philadelphia Electric Company, Docket No. IT-6057.

Notice is hereby given that, on November 3, 1948, the Federal Power Commission issued its order entered November 2, 1948, allowing supplemental rate schedules to take effect and terminating proceedings in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9859; Filed, Nov. 9, 1948;
8:53 a. m.]

[Project No. 2009]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF APPLICATION FOR MAJOR LICENSE

NOVEMBER 3, 1948.

Public notice is hereby given pursuant to the provision of the Federal Power Act (16 U. S. C. 791-825r) that Virginia Electric and Power Company of Richmond, Virginia, has filed application for major license for proposed water power project No. 2009 to be located on the Roanoke River in Halifax and Northampton Counties, North Carolina, and consisting of a dam near Roanoke Rapids, North Carolina, in the vicinity of an existing diversion dam; a reservoir extending about 7½ miles upstream with an area of about 4900 acres at normal pond level; a powerhouse integral with the dam containing four generating units with aggregate capacity of about 98,000 horsepower, and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted before December 10, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9861; Filed, Nov. 9, 1948;
8:53 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5663]

E. G. SALES AND MANUFACTURING CO.

ORDER APPOINTING TRIAL EXAMINER

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 3d day of November A. D. 1948.

In the matter of Eleanor Schultz Baden, also known as Eleanor Schultz, and George Baden, as individuals and as copartners trading as E. G. Sales & Manufacturing Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Henry P. Alden, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony and the receipt of evidence

begin at a time and place to be later designated by the Trial Examiner.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-9343; Filed, Nov. 9, 1948;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1958]

CENTRAL AND SOUTHWEST CORP. AND
PUBLIC SERVICE CO. OF OKLAHOMA

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November A. D. 1948.

Central and South West Corporation ("Central") a registered holding company, and its subsidiary, Public Service Company of Oklahoma ("Public Service") having filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9 (a) 10, and 12 (f) thereof and Rule U-43 promulgated thereunder, with respect to (A) the amendment by Public Service of its Articles of Incorporation under which Public Service proposes to (1) change and increase its total authorized number of shares of common stock to 2,000,000 shares of \$10 par value, (2) issue shares of the new \$10 par value common stock to Central, the holder of its 111,167 shares of outstanding \$100 par value common stock, on the basis of 10 shares of new common stock for each share of \$100 par value common stock held, (3) issue as a common stock dividend to Central 688,330 additional shares of the new \$10 par value common stock, in connection with which Public Service will transfer \$6,883,300 from its Earned Surplus Account to its Common Stock Capital Account, and (4) increase the voting rights of the preferred stock of Public Service from one vote to ten votes per share; and (B) the proposed acquisition by Central of 1,111,670 shares of the new \$10 par value common stock of Public Service in exchange for the surrender and cancellation by Central of its holdings of the outstanding 111,167 shares of \$100 par value common stock

of Public Service and the proposed acquisition of 688,330 additional shares of \$10 par value common stock of Public Service; and

The Corporation Commission of the State of Oklahoma, by order dated October 25, 1948, having approved the transactions proposed by Public Service; and

Said joint application-declaration having been filed on September 27, 1948, the last amendment thereto having been filed on October 29, 1948, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 of the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application-declaration as amended be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9353; Filed, Nov. 9, 1948;
8:48 a. m.]

[File No. 70-1931]

DELAWARE COACH CO. AND SOUTHERN
PENNSYLVANIA BUS CO.

ORDER PERMITTING DECLARATION TO
BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of November 1948.

Delaware Coach Company ("Coach Company") a wholly-owned subsidiary of The United Gas Improvement Company, a registered holding company, and Coach Company's wholly-owned subsidiary, Southern Pennsylvania Bus Company ("Bus Company"), having filed a joint declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 with respect to the following transaction:

Delaware Coach Company, on or before December 31, 1948, will advance to Bus Company on open book account without interest an aggregate of \$400,000 in cash. The proceeds of the advance will be used by Bus Company, together with other cash, to defray, in part, the cost of rebuilding a garage recently destroyed by fire as well as for the purchase of twelve new buses.

Said joint declaration having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration be permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24 that the joint declaration be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9854; Filed, Nov. 9, 1948;
8:52 a. m.]

[File No. 70-1974]

GEORGIA POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November 1948.

Georgia Power Company ("Georgia"), a public utility subsidiary of The Southern Company, a registered holding company and a wholly owned subsidiary of The Commonwealth & Southern Corporation, also a registered holding company, having filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-50 promulgated thereunder, with respect to the following proposed transaction:

Georgia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$12,000,000 principal amount of its First Mortgage Bonds ...% series, due 1978, to be issued under and secured by Georgia's present indenture dated as of March 1, 1941, as supplemented by indentures dated as of March 1, 1941, December 1, 1947 and to be dated as of December 1, 1948. The proceeds from the sale of the new bonds will be used to provide a portion of the funds required by Georgia for the construction or acquisition of property additions to its utility plant.

The application having been filed on October 15, 1948, and an amendment thereto having been filed on October 29, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The proposed issuance and sale of said bonds by Georgia having been expressly authorized by the Georgia Public Service Commission, the State commission of the State in which Georgia is organized and doing business; and

The Commission finding with respect to said application as amended, that the requirements of section 6 (b) are satisfied and that there is no basis for the imposition of terms and conditions other than those hereinafter stated and the Commission also deeming it appropriate to grant applicant's request that the order herein become effective forthwith upon issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the following additional conditions:

(1) That the proposed sale of bonds of Georgia shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses of counsel to be paid in connection with the proposed transaction.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9852; Filed, Nov. 9, 1948;
8:47 a. m.]

[File No. 70-1980]

ALLENTOWN-BETHLEHEM GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of November 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Allentown-Bethlehem Gas Company ("Allentown") a gas utility subsidiary of The United Gas Improvement Company, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Allentown proposes to issue and sell, at par, \$1,500,000 principal amount of its 3½% First Mortgage Bonds due 1968, to the Metropolitan Life Insurance Company and the Penn Mutual Life Insurance Company, in amounts of \$750,000 cash. The latter institutions represent

that they are purchasing the bonds for investment and not for resale.

The proceeds from the sale of said bonds, together with treasury cash, will be applied by Allentown for construction purposes and to repay short-term bank loans, presently totaling \$300,000 incurred for the purpose of financing its construction program.

Allentown's presently outstanding bonded indebtedness consisting of \$2,339,000 due 1965 is owned by two savings banks and five life insurance companies, including the above-named institutions. Allentown proposes, with the consent of the holders of at least 85% of its present bonds, to amend its existing mortgage indenture to bring the same into compliance with the standards which this Commission has deemed appropriate pursuant to the Public Utility Holding Company Act of 1935 and the Trust Indenture Act of 1939.

Allentown, for reasons set forth in the application, requests the Commission to except the proposed issuance and sale from the competitive bidding requirements of Rule U-50.

Allentown states that the proposed transaction is subject to the jurisdiction of the Public Utility Commission of the State of Pennsylvania, in which state the company is organized and doing business, and that a copy of such Commission's order approving the issuance and sale of \$1,500,000 principal amount of its 3½% First Mortgage Bonds, due 1968 will be supplied by amendment.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application and that said application should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered. That a hearing on said application pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on November 18, 1948, at 10:00 a. m., e. s. t., at the office of this Commission, 425 Second Street NW, Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission, on or before November 15, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its

specifying additional matters or questions upon further examination:

1. Whether the proposed sale of bonds by Allentown shall be excepted from the competitive bidding requirements of Rule U-50.

2. Generally, whether terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers, and, if so, what such terms and conditions should be.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Allentown. The United Gas Improvement Company and the Public Utility Commission of the State of Pennsylvania, that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9851; Filed, Nov. 9, 1948;
8:47 a. m.]

[File No. 70-1982]

KENTUCKY UTILITIES CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of November A. D. 1948.

Notice is hereby given that Kentucky Utilities Company ("Kentucky") a public utility subsidiary of The Middle West Corporation, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") The declarant has designated sections 11 (b) (1) and 12 (d) of the act and Rule U-44 thereunder as applicable to the proposed transactions.

Notice is further given that any person may, not later than November 15, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 15, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Kentucky proposes to sell to Western Kentucky Gas Company, a nonaffiliated company, all of Kentucky's gas utility properties located in and about the City of Danville, Kentucky, pursuant to a contract dated September 21, 1948. The properties are to be sold for a cash consideration of \$155,500 subject to closing adjustments. It is estimated by the company, on the basis of Kentucky's balance sheet at August 31, 1948, that the cash consideration plus closing adjustments will result in net proceeds of approximately \$169,000. The proceeds to be received by Kentucky from the proposed sale will be deposited with the Trustee under the company's mortgage dated May 1, 1947, and will be withdrawn, within one year, in accordance with the provisions of said mortgage and will be used for the purpose of making additions and extensions to its electric utility plant and system.

The properties to be sold by Kentucky are stated on the books of the company on the basis of original cost as determined and approved by the Public Service Commission of Kentucky, plus additions and less retirements at cost since date of such determination. At August 31, 1948, the book carrying value of these gas utility properties amounted to \$157,644.

The filing indicates that on or about May 1, 1948, the company sent data with respect to the said gas properties to approximately 20 persons or corporations and invited offers. In response thereto three offers were received for the said gas properties and negotiations, conducted at arm's-length, with the interested persons eventuated in the contract with Western Kentucky Gas Company.

The filing states that the proposed sale and acquisition is subject to the jurisdiction of the Public Service Commission of Kentucky.

Kentucky requests that the Commission's order be issued as soon as practicable in order that the proposed sale may be consummated promptly, that said order become effective forthwith, and that it conform to the formal requirements of sections 371, 372, 373, and 1808 (f) of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9848; Filed, Nov. 9, 1948;
8:47 a. m.]

[File No. 70-1984]

CONSOLIDATED NATURAL GAS CO. AND EAST OHIO GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiary, The East

Ohio Gas Company ("East Ohio"). Applicants-declarants have designated sections 7, 10, 12 (d) and 12 (f) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 23, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 23, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

East Ohio proposes to amend its Articles of Incorporation so as to substitute for all of its authorized and outstanding preferred stock, consisting of 100,000 shares of 7% preferred stock of a par value of \$100 per share, 100,000 shares of common stock of a par value of \$100 per share. Consolidated, as owner of all the outstanding capital stock of East Ohio, consisting of the above preferred stock and 415,000 shares of common stock of a par value of \$100 per share, will surrender such preferred stock and acquire the common stock to be issued.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9350; Filed, Nov. 9, 1948;
8:47 a. m.]

[File No. 70-1935]

AMERICAN GAS AND ELECTRIC CO.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November A. D. 1948.

American Gas and Electric Company ("American Gas") a registered holding company, having filed an application pursuant to Rule U-100 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 for exemption from the requirements of Rule U-44 thereof with respect to the following transactions:

Pursuant to a plan under section 11 (e) of the act heretofore approved by the Commission, American Gas has disposed of 880,984 shares of common stock of Atlantic City Electric Company ("Atlantic City") and now owns 269,016 shares of such common stock. In order to comply

with the provisions of such plan American Gas now intends to dispose of such remaining 269,016 shares of Atlantic City common stock by declaring the regular dividend of 25¢ and $\frac{2}{100}$ of a share of common stock of Atlantic City on each share of common stock of American Gas and in addition authorizing the distribution of $\frac{1}{100}$ of a share of the common stock of Atlantic City as an extra dividend, such dividend to be payable on December 15, 1948 to stockholders of record on November 10, 1948, and by paying a similar regular dividend and extra dividend on March 15, 1949 to stockholders of record on February 9, 1949. After payment of such dividend American Gas will hold less than 100 shares of common stock of Atlantic City which it proposes to sell on the "over the counter" market.

It appearing to the Commission that it is not necessary or appropriate in the public interest or for the protection of investors and consumers that such transactions be subject to the requirements of Rule U-44;

It is ordered, Pursuant to the provisions of said Rule U-100 (a) that said application for exemption be and hereby is granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9849; Filed, Nov. 9, 1948;
8:47 a. m.]

[File No. 70-1987]

CAMBRIDGE ELECTRIC LIGHT CO. AND NEW
ENGLAND GAS AND ELECTRIC ASSN.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 3d day of November 1948.

Notice is hereby given that a joining application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Gas and Electric Association ("New England") a registered holding company, and its subsidiary, Cambridge Electric Light Company ("Cambridge") Applicants-declarants have designated sections 6 (b) and 10 and 12 (f) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 17, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 17, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the

act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

New England presently owns all of the outstanding common stock of Cambridge. Cambridge proposes to issue and sell to New England an additional 4,734 shares of common stock of the par value of \$25 per share, at a price of \$150 per share, or an aggregate of \$710,100, the proceeds thereof to be applied to the reimbursement of the Plant Replacement Fund Assets account of Cambridge for expenditures made therefrom for additions and improvements to the company's plant and properties.

Cambridge is subject to the jurisdiction of the Department of Public Utilities of Massachusetts, which department approved the issue and sale of the additional common stock by order dated October 4, 1948.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9847; Filed, Nov. 9, 1948;
8:46 a. m.]

[File No. 70-1993]

QUEENS BOROUGH GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Queens Borough Gas and Electric Company, a subsidiary of Long Island Lighting Company, a registered holding company. Declarant has designated section 6(a) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than November 18, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 18, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a state-

ment of the transaction therein proposed, which is summarized as follows:

Declarant proposes to issue and sell for cash at principal amount to three commercial banks an aggregate of \$1,500,000 principal amount of unsecured notes, each of which will bear interest at the rate of $2\frac{1}{2}\%$ per annum and will mature October 26, 1949. The proceeds of the sale of the notes are to be used for payment of outstanding notes in an aggregate principal amount of \$650,000 which mature November 26, 1948, and other outstanding notes in the aggregate principal amount of \$850,000 which mature on January 22, 1949.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9846; Filed, Nov. 9, 1948;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 830, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9103, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9507, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12226]

FRANZ THORBECKE

In re: Stock owned by and debts owing to Franz Thorbecke. F-28-2565-A-1, F-28-2565-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Thorbecke, whose last known address is Lindenhof, Lindau (B), Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Ninety-two (92) shares of \$1 par value common capital stock of Merck & Co., Inc., Rahway, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered CO 4976, dated March 27, 1941, registered in the name of Franz Thorbecke, c/o R. E. Gruber, Dover Road, Colonia, New Jersey and presently in the custody of Rudolf E. Gruber, Dover Road, Colonia, New Jersey, together with all declared and unpaid dividends thereon,

b. Forty-six (46) shares of \$1 par value common capital stock of Merck & Co., Inc., Rahway, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 638, registered in the name of Franz Thorbecke, c/o R. E. Gruber, Dover Road, Colonia, New Jersey, together with all declared and unpaid dividends thereon,

c. Twenty-three (23) shares of \$100 par value $5\frac{1}{4}\%$ Cumulative Preferred

capital stock of Merck & Co., Inc., Rahway, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 580, registered in the name of Franz Thorbecke, c/o R. E. Gruber, Dover Road, Colonia, New Jersey, together with all declared and unpaid dividends thereon, and any and all rights under a plan of exchange of March 1, 1946, and

d. Those certain debts or other obligations evidenced by the checks described in Exhibit A attached hereto and by reference made a part hereof, arising out of dividend payments on common and preferred stock of Merck & Co., Inc., Rahway, New Jersey, said checks being in the custody of R. E. Gruber, Dover Road, Colonia, New Jersey, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under, including particularly the right to possession of the aforesaid checks and the right to present the same for payment,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Drawer	Payee	Date	Check No.	Amount
Lawyers Trust Co., 111 Broadway, New York, N. Y.	Franz Thorbecke	Dec. 22, 1943	775D	\$33.41
		Jan. 1, 1944	P642D	\$23.81
		Apr. 1, 1944	733D	\$9.69
		Apr. 1, 1944	P643D	\$23.81
		Dec. 27, 1943	737	\$4.69
		Jan. 1, 1944	P653	\$23.81
		Apr. 1, 1944	733	\$23.65
		Apr. 1, 1944	P653	\$23.81

¹Stamped duplicate.

[F. R. Doc. 48-9877; Filed, Nov. 9, 1948; 8:58 a. m.]

[Vesting Order 12259]

IDA LEMKE

In re: Stock owned by Ida Lemke.
F-28-8011-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Lemke, whose last known address is New Kolln, Flughafen Str. 62, Germany, is a resident of Germany

and a national of a designated enemy country (Germany)

2. That the property described as follows: Four (4) shares of 6% preferred capital stock of Northwestern Public Service Company, Huron, South Dakota, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered CBO-4323, CBO-4324, CBO-4325, and CBO-4326 for one share each, registered in the name of Ida Lemke, together with all declared and unpaid dividends thereon, and any and all rights of redemption thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9373; Filed, Nov. 9, 1948; 8:53 a. m.]

